I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 3, 2005

Signature: (Kevin M. Ketun, Patent Agent

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Docket No.: SPINE 3.0-455 CONT IV (PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Zubok et al.

Group Art Unit: 3738

Application No.: 10/776,651

Confirmation No.: 3384

Filed: February 11, 2004

Examiner: C. L. Miller

For: CERVICAL DISC REPLACEMENT

MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

It is respectfully requested that the references listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited references are legally available prior art or that the same are pertinent or material.

In the event that any fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: May 3, 2005

Respectfully submitted,

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(Use as many sheets as necessary)

Complete if Known

Application Number 10/776,651

Filing Date February 11, 2004

First Named Inventor Rafail Zubok

Art Unit 3738

Examiner Name C. L. Miller

Attorney Docket Number

| | | | U.S. PA | TENT DOCUMENTS | |
|-----------------------|--------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No.1 | Document Number Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | AA | US-2002/0082701-A1 | 06-27-2002 | Zdedblick et al. | |
| | AB | US-2002/0107572-A1 | 08-08-2002 | Foley et al. | |
| | AC | | 09-12-2002 | Bryan et al. | |
| | AD | | 10-03-2002 | Sutcliffe | |
| | AE | US-2002/0169508-A1 | 11-14-2002 | Songer et al. | |
| | AF | | 04-24-2003 | Michelson | |
| | AG | | 05-29-2003 | Michelson | |
| | AH | | 09-04-2003 | Scharf | |
| _ | Al | | | Foley et al. | |
| | AJ | US-2003/0204260-A1 | | Ferree | |
| | AK | US-2003/0233097-A1 | | Ferree | |
| | AL | US-2003/0233148-A1 | | Ferree | |
| | AM | US-2004/0002761-A1 | | Rogers et al. | |
| | AN | US-2004/0002762-A1 | 01-01-2004 | Hawkins | |
| | AO | US-2004/0006343-A1 | | Sevrain | |
| | AP | | 01-15-2004 | Williams et al. | |
| | AQ | | 02-05-2004 | Ferree | |
| | AR | | 02-12-2004 | Ferree | |
| | AS | US-2004/0030391-A1 | 02-12-2004 | Ferree | |
| | AT | US-4,997,432 | 03-05-1991 | Keller | |
| | AU | US-5,258,031 | 11-02-1993 | Salib et al. | |
| | AV | US-5,314,477 | 05-24-1994 | Marnay | |
| | AW | US-5,401,269 | 03-28-1995 | Buttner-Janz et al. | |
| | AX | US-5,425,773 | 06/1995 | Boyd et al. | |
| | AY | US-5,507,816 | 04-16-1996 | Bullivant | |
| | AZ | US-5,514,180 | 05/1996 | Heggeness et al. | |
| | AA1 | US-5,556,431 | 09/1996 | Buttner-Janz | |
| | AB1 | US-5,562,738 | 10/1996 | Boyd et al. | |
| | AC1 | US-5,674,296 | 10/1997 | Bryan et al. | |
| | AD1 | US-5,676,701 | 10/1997 | Yuan et al. | |
| | AE1 | US-5,755,796 | 05/1998 | Ibo et al. | |
| | AF1 | US-5,888,226 | 03/1999 | Rogozinski | |
| | AG1 | US-5,899,941 | 05/1999 | Nishijima et al. | |
| | AH1 | US-6,063,121 | 05/2000 | Xavier et al. | |
| | Al1 | US-6,146,421 | 11/2000 | Gordon et al. | |
| | AJ1 | US-6,179,874 | 01/2001 | Cauthen | |
| | AK1 | US-6,228,118 | 05/2001 | Gordon | |
| | AL1 | US-6,368,350 | 04/2002 | Erickson et al. | |
| | AM1 | US-6,416,551-B1 | 07-09-2002 | Keller | |
| | AN1 | US-6,517,580-B1 | 02-11-2003 | Ramadan et al. | |
| | AO1 | US-6,527,804-B1 | 03-04-2003 | Gauchet et al. | |
| | AP1 | US-6,540,785-B1 | 04-01-2003 | Gill et al. | |
| | AQ1 | US-6,610,093-B1 | 08-26-2003 | Pisharodi | |
| | AR1 | US-6,679,915-B1 | 01-20-2004 | Cauthen | |

| | | |
|-----------|------------|--|
| Examiner | Date | |
| Signature | Considered | |

PTO/SB/08a/b (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
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|-----------------------------------|------------|------|-----------|------------------------|-----------------------|--|
| | | | | Application Number | 10/776,651 | |
| 11 | NFORMATION | l Di | SCLOSURE | Filing Date | February 11, 2004 | |
| S | TATEMENT E | 3Y / | APPLICANT | First Named Inventor | Rafail Zubok | |
| | | | | Art Unit | 3738 | |
| (Use as many sheets as necessary) | | | | Examiner Name | C. L. Miller | |
| Sheet | 2 | of | 2 | Attorney Docket Number | SPINE 3.0-455 CONT IV | |

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|--------------|--|-----------------------------------|--|---|----------------|
| Examiner Initials* | Cite No.1 | Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
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| NON PATENT LITERATURE DOCUMENTS | | | | | |
|---------------------------------|--------------|---|----|--|--|
| Examiner Initials | Cite No.1 | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T² | | |
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